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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 09/915,850               | 07/26/2001  | Mamoru Higashimura   | 33828               | 7188             |
| 116                      | 7590        | 01/20/2006           |                     |                  |
| PEARNE & GORDON LLP      |             |                      | EXAMINER            |                  |
| 1801 EAST 9TH STREET     |             |                      | FLETCHER, JAMES A   |                  |
| SUITE 1200               |             |                      |                     |                  |
| CLEVELAND, OH 44114-3108 |             |                      | ART UNIT            | PAPER NUMBER     |
|                          |             |                      | 2616                |                  |

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/915,850             | HIGASHIMURA ET AL.  |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | James A. Fletcher      | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 17 is/are allowed.  
 6) Claim(s) 1-7, 9-10, 12, and 14-16 is/are rejected.  
 7) Claim(s) 8,11 and 13 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 14 December 2005 have been fully considered but they are not persuasive.

**In re page 8,** Applicant's Representative states: "Navco does not teach any signal comprised of such alternating frames that is then reproduced and skipped as recited in the claim."

The Examiner respectfully disagrees. As noted in several locations throughout the provided documentation, particularly in the Model 1700 System Controller Operating Instructions, Appendix B clearly and specifically indicates a video SIGNAL being produced by the controller and provided to a VCR. It also specifically describes the Model 1700 System controller as a camera switcher which can control several inputs and outputs on pages 5 and 6.

**Further in re page 8,** Applicant's Representative states: "Even if the Examiner argues that the images displayed on the Monitor are such a signal, there is nothing that is 'skipped' m times because only the image that is currently being 'dwelled' upon (by the dwell setting) is part of the signal."

The Examiner would like to respectfully point out that any sequential signal comprised of a sequence of alternating frames, such as that in the instant invention, only consists of a single frame during any given frame period, which, in the case of both the instant invention and Navco, is 1/30<sup>th</sup> of a second. Further, the image displayed on

the Monitor and provided to the recorder is not the reproduced signal that is the object of the instant invention's "skipping."

***Claim Rejections - 35 USC § 112***

2. Claim 9 recites the limitation "said subsequent reproduction of a reconstructed image" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. The Examiner notes that this rejection was made in an earlier office action, and has not been addressed by the Applicant's Representative.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-7, 9, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by NAVCO ("Model 1700 System Controller Operating Instructions").

**Regarding claims 1 and 15,** NAVCO discloses an apparatus for recording and reproducing a multiple picture signal obtained by multiplexing picture signals from a plurality of cameras via a frame switcher (MON Chapter, Page 1, "The following Entry Screen allows setting of SEQUENCING MODE, and the setting of the MONITOR SEQUENCE, in any order and combination...Each of these monitor sequences may have an individual DWELL of up to 15 seconds or 15 Frames") such that said multiple picture signal is comprised of a series of frames alternating between said plurality of cameras (Appendix B "VIDEO OUT CONNECTOR, J10 BNC2 [Labeled VCR OUT]:

This BNC type connector is used to supply the VIDEO SIGNAL to a VCR [it's INPUT]. Connect to a VCR"), the apparatus having a skip reproduction feature for alternating skipping of n frames and continuous reproduction of m frames [n being a positive integer, and m being a positive integer related to a frame switching pattern] (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor." The value of n would be the number of cameras in the sequence minus 1, and the value of m would be the number of images recorded from the selected camera, determined by the recording rate and the dwell setting of that particular camera in the MON menu.).

**Regarding claim 2**, NAVCO discloses an apparatus wherein the number of frames to be skipped is changed during skip reproduction (CAM Chapter, Page 2 "There is a separate ON/OFF TIMER for each of the sixty four...possible Cameras." When the timer drops a non-selected camera from the sequence, frames from that camera are no longer available to be skipped, so the number of skipped frames would change. Similarly, if a non-selected camera is added to the sequence by the timer, the images would then add to the number of skipped frames.).

**Regarding claim 5**, NAVCO discloses an apparatus wherein at least m frames are continuously reproduced at the beginning of a reproduction image (SRT Chapter, Page 2 "the image will appear to be frozen").

**Regarding claim 6**, NAVCO discloses an apparatus wherein the skip reproduction feature is implemented by a processing including a skip processing for only recognizing the frames (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor") and a reproduction processing for performing reproduction and

output of the frames (SRT Chapter, Page 2, "Select the forward Playback mode on the VCR").

**Regarding claim 7**, NAVCO discloses an apparatus wherein the skip reproduction feature is implemented by a processing including skipping of n frames (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor") and the subsequent reproduction of m frames (MON Chapter, Page 1, "The following Entry Screen allows setting of SEQUENCING MODE, and the setting of the MONITOR SEQUENCE, in any order and combination...Each of these monitor sequences may have an individual DWELL of up to 15 seconds or 15 Frames").

**Regarding claim 9**, NAVCO discloses an apparatus wherein the subsequent reproduction of a reconstructed image is performed on m frames up to a final frame of the reconstructed image when the difference between a frame just before start of the skipping and the final frame of a reconstructed image is equal to or greater than m frames and smaller than or equal to (n+m) frames (SRT Chapter, Page 2, "If the selected camera number was not recorded on the selected tape...the image will appear to be frozen..." A frozen image, as is understood by those of skill in the art, is accomplished by continually repeating an image. In this case, the value of m is equal to the number of images from non-selected cameras, and the value of m is equal to the number of images from a selected camera.).

**Regarding claim 12**, NAVCO discloses an apparatus wherein adjustment is made to set the remaining number of frames to a multiple of n+m at start of the skip reproduction feature and when the number of frames n to be skipped is changed during

skip reproduction (MON Chapter, Page 1, "The following Entry Screen allows setting of SEQUENCING MODE, and the setting of the MONITOR SEQUENCE, in any order and combination...Each of these monitor sequences may have an individual DWELL of up to 15 seconds or 15 Frames" and SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor." The value of n would be the number of cameras in the sequence minus 1, and the value of m would be the number of images recorded from the selected camera, determined by the recording rate and the dwell setting of that particular camera in the MON menu).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-4, 8, 10-11, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over NAVCO.

**Regarding claim 3,** NAVCO suggests an apparatus wherein the number of frames is changed to  $n-d$  [ $2 \leq d < n$ ; d is a positive integer] in case the number of frames is decreased (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor" and CAM Chapter, Page 2 "There is a separate ON/OFF TIMER for each of the sixty four...possible Cameras." The timer allows for a camera to be removed from the sequence, effectively decreasing the number of cameras in the sequence).

The examiner takes official notice that when the number of frames is decreased from a situation where  $n > 4$  to a smaller number, such as  $n-2$ , the number of frames would then satisfy the claimed equation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify NAVCO to include such equations in their instructions.

**Regarding claim 4,** NAVCO suggests but does not specifically disclose an apparatus wherein at least  $m$  frames are continuously reproduced at the end of a reconstructed image (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor" and SRT Chapter, Page 2, "If the selected camera number was not recorded on the selected tape...the image will appear to be frozen..." Clearly, if the selected camera were removed from the sequence by the camera timer, for instance, the last image would be continually reproduced for an arbitrary number of frame periods).

The examiner takes official notice that a device for displaying selected images from a continuous stream of images would obviously repeat the selected image in order to prevent a blank screen display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify NAVCO to describe a continuous reproduction of the selected image until another image meeting the selection criteria was provided.

**Regarding claim 10,** NAVCO suggests but does not specifically disclose an apparatus wherein the reproduction is performed up to a final frame of a reconstructed image when the difference between a frame of the reconstructed image just before start

of the skipping and the final frame of the reconstructed image is smaller than m frames (SRT Chapter, Page 2, "If the selected camera number was not recorded on the selected tape...the image will appear to be frozen...").

The examiner takes official notice that a device for displaying selected images from a continuous stream of images would obviously repeat the selected image in order to prevent a blank screen display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify NAVCO to describe a continuous reproduction of the selected image until another image meeting the selection criteria was provided.

**Regarding claim 14**, NAVCO suggest an apparatus wherein reproduction is suspended after continuous reproduction of the predetermined m frames when suspension of reproduction is instructed during execution of the skip reproduction feature (SRT Chapter 2, "VCR of the 2600 and 2700 Series example" shows a VCR control allowing stop "[stop]" of the VCR while sorting).

While this does not explicitly disclose the suspension of reproduction when suspension of reproduction is instructed, the examiner takes official notice that a "stop" command is well known to suspend reproduction operation in a playback apparatus.

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to cause the suspension of reproduction when the VCR is instructed to stop reproduction.

**Regarding claim 16**, NAVCO discloses an image reproducing method for skip reproducing a multiple picture signal obtained by multiplexing picture signals from a

plurality of cameras via a frame switcher, the image reproducing method comprising the steps of:

- skipping n frames of the multiple picture signal (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor." The value of n would be the number of cameras in the sequence minus 1, and the value of m would be the number of images recorded from the selected camera, determined by the recording rate and the dwell setting of that particular camera in the MON menu.);
- NAVCO suggests continuous reproducing m frames of the multiple picture signal (SRT Chapter, Page 1 "Select the Camera desired to be sorted on the monitor");

The examiner takes official notice that a device for displaying selected images from a continuous stream of images would obviously repeat the selected image in order to prevent a blank screen display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify NAVCO to describe a continuous reproduction of the selected image until another image meeting the selection criteria was provided.

- and; repeating the skipping and continuous reproducing (SRT Chapter, Page 2 "VCR of the 2600 and 2700 Series example" "fwd" [forward play] command).

***Allowable Subject Matter***

7. Claims 8, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 17 is allowed.

The Examiner would like to note that he believes the rejections based on Navco can be overcome by reciting a limitation in the independent claims based on portions of the specification which describe a playback apparatus that selects frames for either skipping or reproduction without reading the contents of the picture signals recorded on the recording medium, such as Page 6, lines 15-20, without limiting the patent protection beyond the scope of the invention.

### ***Conclusion***

9. This is a continuation of applicant's earlier Application No. 09/915850. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

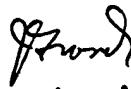
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
12 January 2006

  
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Supervisory Patent Examiner  
Art Unit 2616